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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

In re:	)	
	)	Case No. 23-10566-KHK
EAGLE PROPERTIES AND INVESTMENTS,	)	
LLC,	)	Chapter 7
	)	
Debtor.	)	
_____	)	

**RESPONSE OF FULTON BANK, N.A. TO MOTION TO APPROVE  
SALE OF 449 LAWYERS ROAD, N.W., VIENNA, VIRGINIA  
FREE AND CLEAR OF LIENS**

Fulton Bank, N.A. responds to the Chapter 7 Trustee's Motion to Approve Sale of 449 Lawyers Road, N.W., Vienna, Virginia (the "Real Property") Free and Clear of Liens, Claims and Interest Pursuant to 11 U.S.C. Section 363(f) (Doc 415) as follows:

1. Fulton Bank, N.A. has a first priority deed of trust against the Real Property.
2. The proposed sale price of \$850,000 is sufficient to result in full payment of all amounts due to Fulton Bank, N.A. under its deed of trust, including interest to the date of payment and legal fees and expenses.
3. Fulton Bank, N.A. consents to the sale proposed by the trustee as long as Fulton Bank, N.A. is paid in full all amounts secured by its deed of trust against the Real Property at closing, which must occur within twenty days after court approval.

4. The sale should be free and clear of the deed of trust against the Real Property in favor of Bala Jain, LLC because that deed of trust is in bona fide dispute, as evidenced by Adversary Proceeding No. 23-1067-KHK.

5. The sale should be free and clear of the lis pendens claimed by Bala Jain, LLC because the lis pendens is in bona fide dispute. The underlying legal action described in the lis pendens was dismissed and is no longer pending. As a result, the lis pendens is invalid.

Dated: May 13, 2024

/s/ David S. Musgrave

David S. Musgrave (Bar No. 35327)

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### **CERTIFICATE OF SERVICE**

I certify that on May 13, 2024, copies of the foregoing were served via CM/ECF to all parties receiving notice thereby.

/s/ David S. Musgrave

David S. Musgrave